STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	Nos.	20,268
)			&	20,448
Appeal of)				

INTRODUCTION

The petitioner appeals the decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating his and his wife's eligibility for Vermont Health Access Program (VHAP) benefits (Fair Hearing No. 20,4481). The issue is whether the petitioner's income exceeds the program maximum.

FINDINGS OF FACT

- 1. The petitioner lives with her husband and their two children. Following a review of their eligibility on May 15, 2006, the Department sent a notice dated May 16, 2006 terminating the petitioner's and her husband's VHAP.²
- 2. At the hearings (held on August 28 and September 25, 2006) the petitioner did not dispute the Department's determination that her countable household income was \$3,219

¹ Prior to the termination of VHAP the petitioner had appealed a decision by OVHA denying coverage for a specific amount of the drug Imitrex (Fair Hearing No. 20,268). The parties have informed the Board that for the period the petitioner was still eligible for VHAP there does not remain any issue of coverage for Imitrex. Thus, this appeal is deemed moot.

² The petitioner's children were found eligible for Dr. Dynasaur benefits.

a month, which is in excess of the VHAP maximum of \$3,092 for a four-person household with minor children.

3. The petitioner was advised to immediately reapply for VHAP if her household's income falls below the above monthly program maximum.

ORDER

The Department's decision in Fair Hearing No. 20,448 is affirmed. Fair Hearing No. 20,268 is dismissed as moot.⁴

REASONS

Under the VHAP regulations, all earned income, except a \$90 disregard, is included as countable income for eligibility. In addition, all Social Security benefits received by any household member are counted as unearned income. W.A.M. § 4001.81(b). There is no dispute that as of the dates of her application and hearing the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a four-person family with children, which is \$3,092. P-2420 B. Thus, the Department's

 $^{^{3}}$ That income includes the petitioner's wages and Social Security benefits received by her husband and both children.

⁴ See footnote 1, supra.

decision finding the petitioner and her husband ineligible for VHAP based on their May 2006 review must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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